



Michael Ng

Lawyer

SAN FRANCISCO

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Michael Ng is an accomplished trial and appellate lawyer focusing on intellectual property litigation, regulatory matters and commercial disputes. His most recent matters span the U.S., Asia, Europe and Australia, with a focus on high-stakes cases in the technology sector.

Mr. Ng is regularly asked to serve as lead counsel in trade secret, patent, copyright, trademark and licensing disputes. He has represented clients in a wide variety of technology areas, including wireless data transmission, semiconductor manufacturing, network hardware, enterprise and consumer software, software as a service (SaaS), cybersecurity, datacenters, construction materials and consumer electronics.

Mr. Ng also has extensive experience leading investigations and litigation involving U.S. government agencies, as well as disputes involving misappropriation of trade secrets or other loss of confidential information, often coordinating with the firm's government enforcement defense team and in-house data security group. In addition to disputes and investigations, Mr. Ng helps clients design intellectual property strategies aimed at furthering their business goals, such as protecting trade secrets and other intangible assets, maximizing the value of intellectual property holdings, securing freedom to operate, or preparing to engage with competitors in new markets.

Prior to joining Kobre & Kim, Mr. Ng was partner and head of the intellectual property practice at Kerr & Wagstaffe LLP, where his work also included commercial disputes, corporate governance, unfair business practices, media, antitrust and constitutional cases.

Mr. Ng currently serves as the chair of the board of the East Bay Community Law Center, a clinical affiliate of Berkeley Law School and the East Bay's largest nonprofit legal services provider.

Admissions

- California
- New York
- U.S. Supreme Court
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Northern District of Illinois, Trial Bar
- U.S. District Court for the Eastern District of Texas

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- U.S. District Court for the Northern District of Mississippi
 - U.S. District Court for the Southern District of Mississippi
 - Executive Office for Immigration Review
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Education

- Harvard Law School, JD
 - Harvard College, AB
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Select Engagements

Intellectual Property & Technology Litigation

- Representation of the Commonwealth Scientific and Industrial Research Organisation (CSIRO), the Australian government's science agency and the inventor of the core technology underlying the IEEE 802.11a, g, n and ac wireless LAN standards, commonly known as Wi-Fi. The litigation ranks among the most successful recent efforts to enforce a single patent, resulting in payments to CSIRO totaling US \$400 million+. In commending CSIRO's inventors, the European Patent Office lauded the litigation as "a tremendous success," stating that "only a few universities around the world are able to successfully commercialize their R&D by patenting their technologies, in particular to the scale of several hundred million dollars. One such exception is CSIRO[.]"
- Representation of leading enterprise banking software developer in claims involving trade secret misappropriation and breach of copyright relating to modification of source code for client's core product by a Big Four bank.
- Representation involving an infringement suit challenging a client's innovative designs for prefabricated concrete slabs promising lower costs for billions of dollars in highway construction and other public infrastructure projects. The client successfully turned back its competitor's strategic litigation seeking to drive it from the market and ultimately resolved the litigation on favorable terms, allowing it continued freedom to operate.
- Representation of an industry-leading technology company against civil and criminal allegations of trade secret misappropriation involving alleged hacking of competitor's computer systems.
- Representation of a Netherlands engineering design company in positioning its European and U.S. patent portfolio covering datacenter-cooling technology, successfully protecting its innovative designs currently in use and slated for installation around the world.

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- Representation of an American consumer products manufacturer in trademark and trade dress dispute whose key product design had been copied by a Chinese manufacturer and distributed globally by a U.S. brand company. Aggressive prelitigation action resulted in complete and immediate cessation of all infringing activity.
- Representation of a leading developer of enterprise-level email archiving software against patent infringement claims brought by a well-known patent aggregation and enforcement entity in the Eastern District of Texas, with speedy resolution on extremely favorable terms.
- Successful opposition, through appeal to the U.S. Court of Appeals for the Federal Circuit, of an effort to disqualify a prominent law firm in a multiparty patent litigation.

Government Enforcement Defense

- Representation of two British citizens in a U.S. Securities and Exchange Commission (SEC) enforcement action alleging securities fraud in connection with investor relations and stock promotion activities.
- Representation of NFL franchise in connection with antitrust claims involving construction of new stadium.
- Representation of an American enterprise software company in civil claims and a U.S. Department of Justice (DOJ) investigation into alleged violation of the Foreign Corrupt Practices Act (FCPA).

Commercial Litigation and Arbitration

- Representation of an international medical device supplier in civil litigation and a related federal investigation into alleged fraud in connection with a government procurement.
- Representation of card company in a multibillion-dollar antitrust dispute relating to monopolization of the bank-issued credit and charge cards market.
- Defense at trial court and appellate levels of prominent law firm alleged to have disqualifying conflict of interest relating to high-stakes dispute.
- Representation of the CEO of a public Taiwanese electronics manufacturing company in an action brought by an American retailer against a number of Asian suppliers alleging participation in a US \$65 million insider fraud. The case was successfully resolved on favorable terms shortly before trial.
- Representation of the NBA's Golden State Warriors in multiple cases, including arbitration of a contract dispute with high-profile personnel.
- Representation of an enterprise software company over a dispute involving a high-value license with Cisco Systems Inc.

Professional & Community Involvement

KOBRE & KIM

- East Bay Community Law Center, Chair of the Board of Directors
- American Bar Association, Intellectual Property Law Section, Member and Former Subcommittee Chair of Patent Exhaustion
- Bar Association of San Francisco, Member
- San Francisco Trial Lawyers Association, Member
- American Association for Justice, Member
- Association of Business Trial Lawyers, Member

Publications & Presentations

- Speaker, "Cross-border trade secret litigation" (Sedona Conference on Developing Best Practices for Trade Secret Issues, Scottsdale, December 2017)
- Moderator, "Internal Investigations and the Global Enterprise: Cross-Border Information Gathering in Asia and Elsewhere" (2017 NAPABA Convention, Washington, DC, November 2017)
- Speaker "Patent Mediation: What is the Future?" (ABA Section of Dispute Resolution Spring Conference, San Francisco, April 2017)
- Speaker, "Making the Most Out of Your Motions in Limine" (PLI's California Trial Evidence 2016, October 2016)
- Co-author, "Preparing for Life Under the New US and European Trade Secret Laws" (*ACC Docket*, September 2016)
- Speaker, "Foreign Subsidiaries" (Managing Intellectual Property Trade Secrets Forum, September 2016)
- Co-author, "What The New Trade Secrets Law Means for U.S. Companies" (*Fast Company*, May 2016)
- Co-author, "Litigation Funding: Levelling the Playing Field" (*Legal Business*, April 2016)
- Moderator, "Patentability of Software and Business Method Patents in the Age of Alice" (ALM IP Trademark, Copyright & Licensing Counsel Forum, New York, November 2015)
- Co-author, "Whip Lashes: IP Managers Beware" (*Intellectual Property Magazine*, November 2015)
- Speaker, "Intellectual Property Roundtable" (California Lawyer, October 2014)
- Speaker, "The Audience Is Watching: Presenting to Juries, the Press, Opposing Counsel, and the Next Client" (Bar Association of San Francisco Bench Bar Conference, October 2013)